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LIFE INSURANCE COMPANY OF NORTH
AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

JANE DOE, an individual

Plaintiff,

v.

LIFE INSURANCE COMPANY OF NORTH
AMERICA,

Defendant.

Case No. 5:24-CV-00859-NW

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY SCHEDULING
ORDER [DOCKET # 53]**

Judge: Hon. Noël Wise
Crtrm: 3, 5th Floor
Trial: September 15, 2025 at 9 a.m.

Complaint Filed: February 13, 2024

Plaintiff JANE DOE (“Plaintiff”) and Defendant Life Insurance LIFE INSURANCE
COMPANY OF NORTH AMERICA (“LINA”) (collectively the “Parties”), by and through their
respective attorneys of record met and conferred from June 26 through July 3, 2025, in an effort to
streamline the issues in the case and, hereby submit this Joint Stipulation and [Proposed] Order to
modify the Court’s June 26, 2025 Scheduling Order (Docket # 53) as follows:

1 WHEREAS, on June 26, 2025 the Court issued a Case-Management and Pretrial Order
2 (Bench) (Docket # 53) setting the following dates and deadlines:

3 Deadline to File Dispositive and Daubert Motions: Motions June 27, 2025

4 Responses: July 25, 2025

5 Replies: August 1, 2025

6 Hearing on Dispositive Motions and Daubert Motions: August 20, 2025 at 9 a.m.

7 Deadline to File Joint Pretrial Statement: August 20, 2025

8 Final Pretrial Conference: September 3, 2025 at 2 p.m.

9 Trial (half day bench trial): September 15, 2025 at 9 a.m.

10 WHEREAS, this matter is governed by the Employee Retirement Income Security Act of
11 1974 (“ERISA”) and, therefore, this matter may properly be decided by the Court on the parties’
12 Rule 52 Cross-Motions for Judgment;

13 WHEREAS, a Pre-Trial Conference is unnecessary since this is an ERISA matter (*see*
14 *Kearney v. Standard Ins. Co.*, 175 F.3d 1084, 1094-95 (9th Cir. 1999)), and the Parties agree to
15 waive the Pre-Trial Conference and its attendant requirements under the Court’s Standing Order
16 and Civil Local Rules;

17 WHEREAS, there will not be any witnesses or experts since this is an ERISA matter, and
18 therefore the Parties agree there is no need for a Daubert hearing;

19 WHEREAS, both Parties filed their respective opening Rule 52 Motions for Judgment on
20 June 27, 2025 in compliance with the Court’s Scheduling Order (Docket # 53);

21 WHEREAS, since on or about July 26, 2024 the Parties had been operating under the prior
22 Scheduling Orders for the cross-motions for Rule 52 trial whereby the parties were to file opening
23 briefs and response briefs with no reply briefs (*see* Docket #s 24, 43);

24 WHEREAS, counsel for plaintiff, Ms. Curry, scheduled and paid for an out of the country
25 vacation more than a year ago and will be unavailable from July 20 through August 4, 2025 as a
26 result of that vacation;

27 WHEREAS, Attorney Nicole Blohm, scheduled and paid for an out of the country vacation
28 several months ago and will be unavailable from August 21 through September 5, 2025, which

1 conflicts with the presently scheduled pre-trial conference set for September 3, 2025;

2 WHEREAS, the Parties have agreed to file Opening and Response briefs only (as per the
3 prior Scheduling Order) and waive reply briefs; and

4 WHEREAS, the Parties further agree and request that in lieu of the Reply briefs they be
5 allotted a 25 page limit on their Response Briefs to be filed on July 25, 2025 (Plaintiff will file
6 early due to Ms. Curry's vacation);

7 IT IS STIPULATED by and between the Parties that the Court's Scheduling Order dated
8 June 26, 2025 (Docket # 53) be modified as follows:

9 -No reply briefs for the recently filed Cross-Motions for Judgment pursuant to Rule 52
10 shall be filed;

11 -Response briefs to the Motions for Judgment remain due by or before July 25, 2025, but
12 response briefs may be up to 25-pages;

13 -the Daubert Hearing on August 20, 2025 be vacated; and

14 -the Pre-Trial conference set for September 3, 2025 also be vacated.

15 **IT IS SO STIPULATED.**

16
17 Dated: July 7, 2025

GCA LAW PARTNERS, LLP

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19 By: /s/ Kathryn C. Curry
20 Kathryn C. Curry
21 Attorneys for Plaintiff JANE DOE
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1 Dated: July 7, 2025

BURKE, WILLIAMS & SORENSEN, LLP

3 By: /s/ Nicole Y. Blohm

4 Nicole Y. Blohm

5 Attorneys for Defendant

6 LIFE INSURANCE COMPANY OF

7 NORTH AMERICA

8 **Filer's Attestation - Local Rule 5-1.(i)(3)**

9 The filing attorney attests that she has obtained concurrence regarding the filing of this
10 document and its content from the signatories to this document.

ORDER

Based upon the stipulation of the Parties, IT IS HEREBY ORDERED that the Court's June 26, 2025 Scheduling Order (Docket # 53) is modified as follows:

-No reply briefs for the Parties' recently filed Cross-Motions for Judgment pursuant to Rule 52 shall be filed;

-Response briefs remain due by or before July 25, 2025, but response briefs may be up to 25-pages in length;

-the Daubert Hearing on August 20, 2025 is vacated;

-the Pre-Trial conference set for September 3, 2025 is also vacated.

IT IS SO ORDERED.

Dated: July 8, 2025



Hon. Noël Wise
United States District Judge